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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: ANDREW TAIT, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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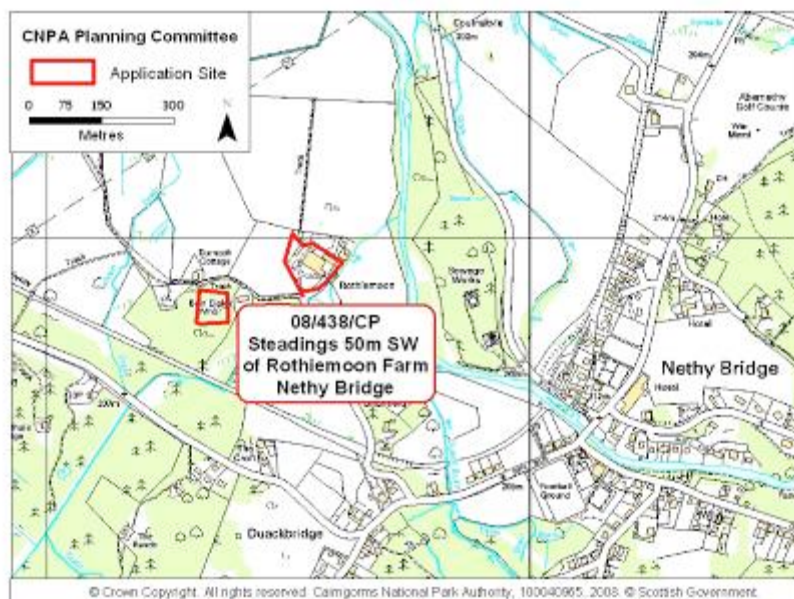
**DEVELOPMENT PROPOSED: CONVERSION OF STEADINGS TO FORM SIX HOUSES; ERECTION OF 5 AGRICULTURAL BUILDINGS AND RELOCATION OF SHED, ROTHIEMOON FARM, NETHY BRIDGE (FULL PP).**

**REFERENCE: 08/438/CP**

**APPLICANT: REIDHAVEN ESTATE**

**DATE CALLED-IN: 9 JANUARY 2009**

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

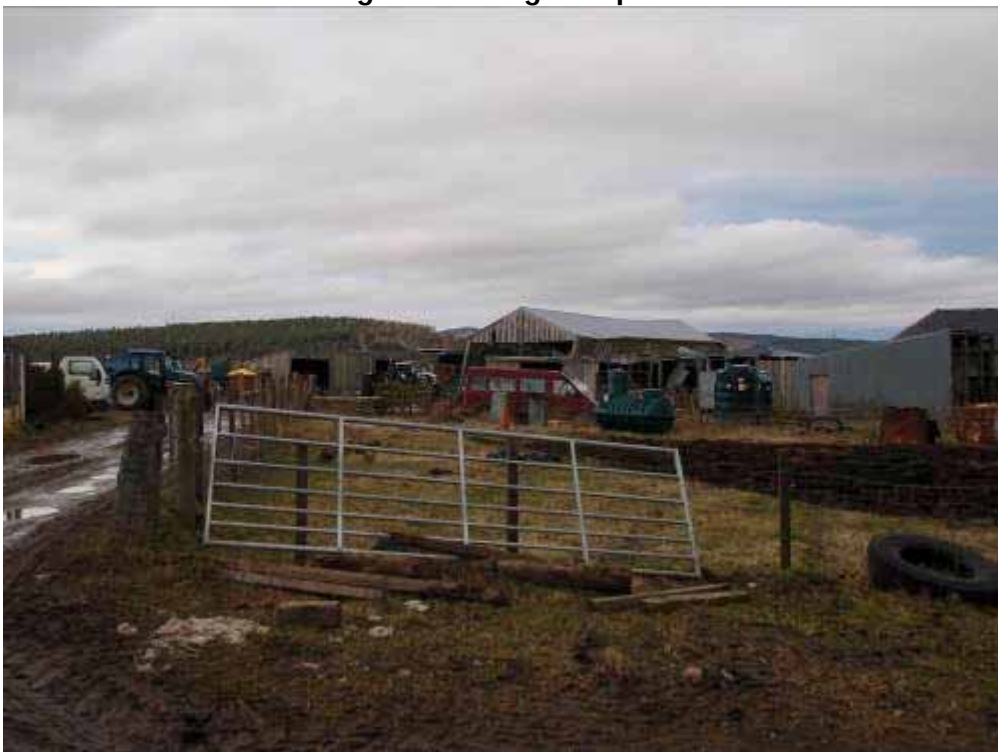
1. This application has two elements on two neighbouring sites (see fig. 1). The first site is Rothiemoon Steadings where a considerable courtyard complex of steadings is proposed to be converted to 6 dwellings. This site is part of a traditional farm complex which lies to the north of the B970 at Duackbridge where an unmade track (fig. 2) provides access to the site as well as a number of dwellings. There are two dwellings set to the rear of the steadings that do not form part of this application. A burn runs a few metres to the south east of the steadings and flows into the Nethy which forms part of the River Spey Special Area of Conservation (SAC). The SAC designation is 125 metres to the east of the steading site. A pond of considerable size lies to the south of the site. The steadings are surrounded by a number of modern additions and there is also a free standing shed at the site, these will be removed/relocated (see figs.3 & 4) & 11). There is also a considerable amount of farm machinery in the open. The steadings and the modern additions are effectively a working farm and inherent in the plan is the need to create a new farm building complex in the vicinity should the steadings be converted.
2. The steading complex is to be converted into six units using the existing footprint of the buildings. The proposal generally utilises existing openings. The roofs will be repaired/replaced. Units 1 & 2 will be re-roofed with a 45 degree gabled pitched roof in slate (see figs 11 & 12) Three units are 4 bed, 2 are 3 bed with a single larger 7 bedroom unit. A communal courtyard would be formed in the courtyard area with garden ground and parking within the curtilage of each property. In terms of materials roofs will be slate, re-used where possible with stonework repaired on the external walls, windows and doors will be timber.



**Fig.2-Access Track**



**Fig.3-Steading complex**



**Fig.4 -Farm Buildings to be removed**





Fig.5-Steadings (units 2 & 3)



Fig.6-Courtyard View of Steadings



**Fig.7-Site for New Agricultural Buildings**



**Fig.8-Site for Agricultural Buildings**





**Fig.9-Site for agricultural buildings showing Dornoch Cottage (objector)**



**Fig.10-View of Farmhouse/Farm Office from site for new buildings, new access to right of house.**



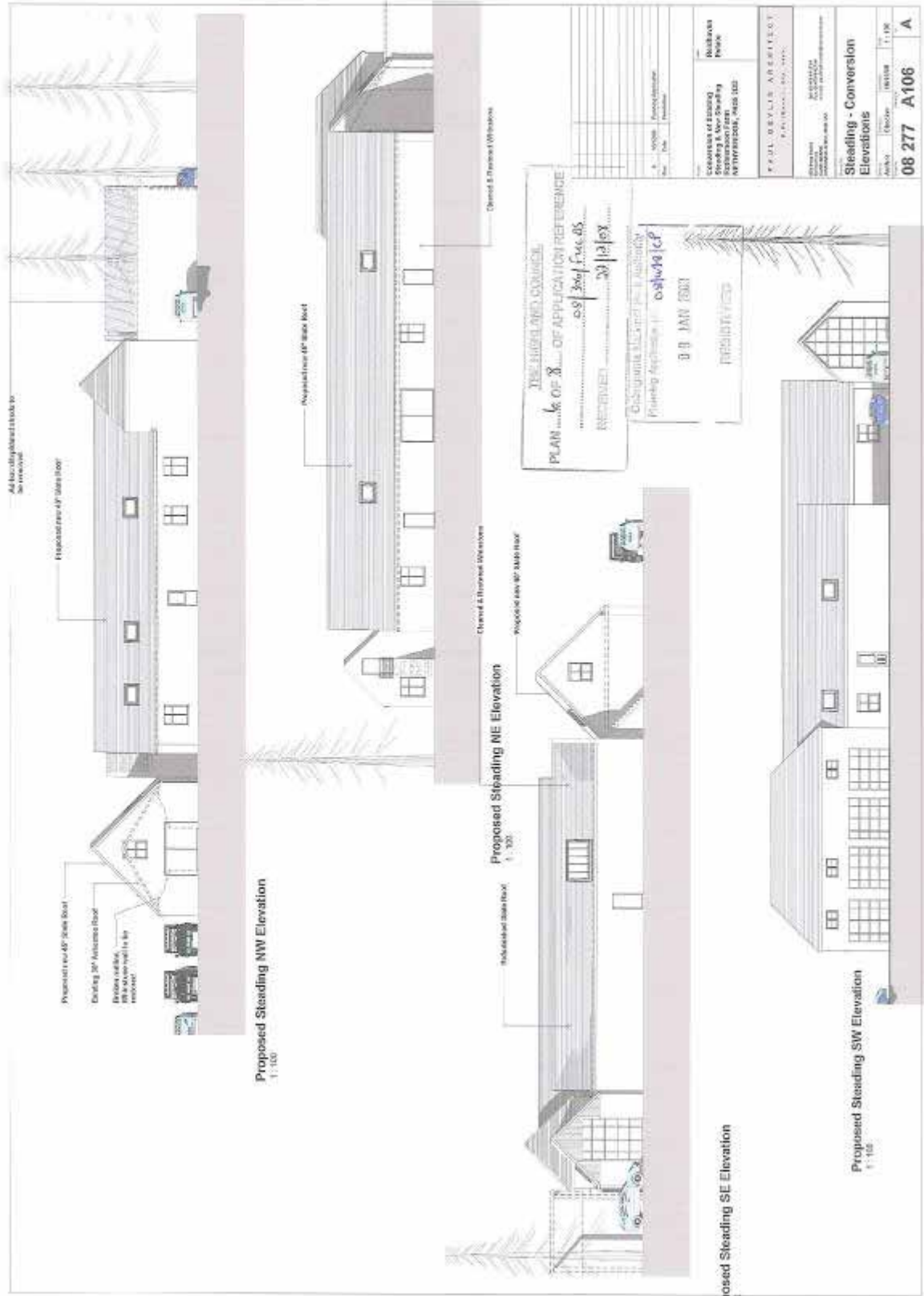


Fig.12-Steading Conversion-Elevations.



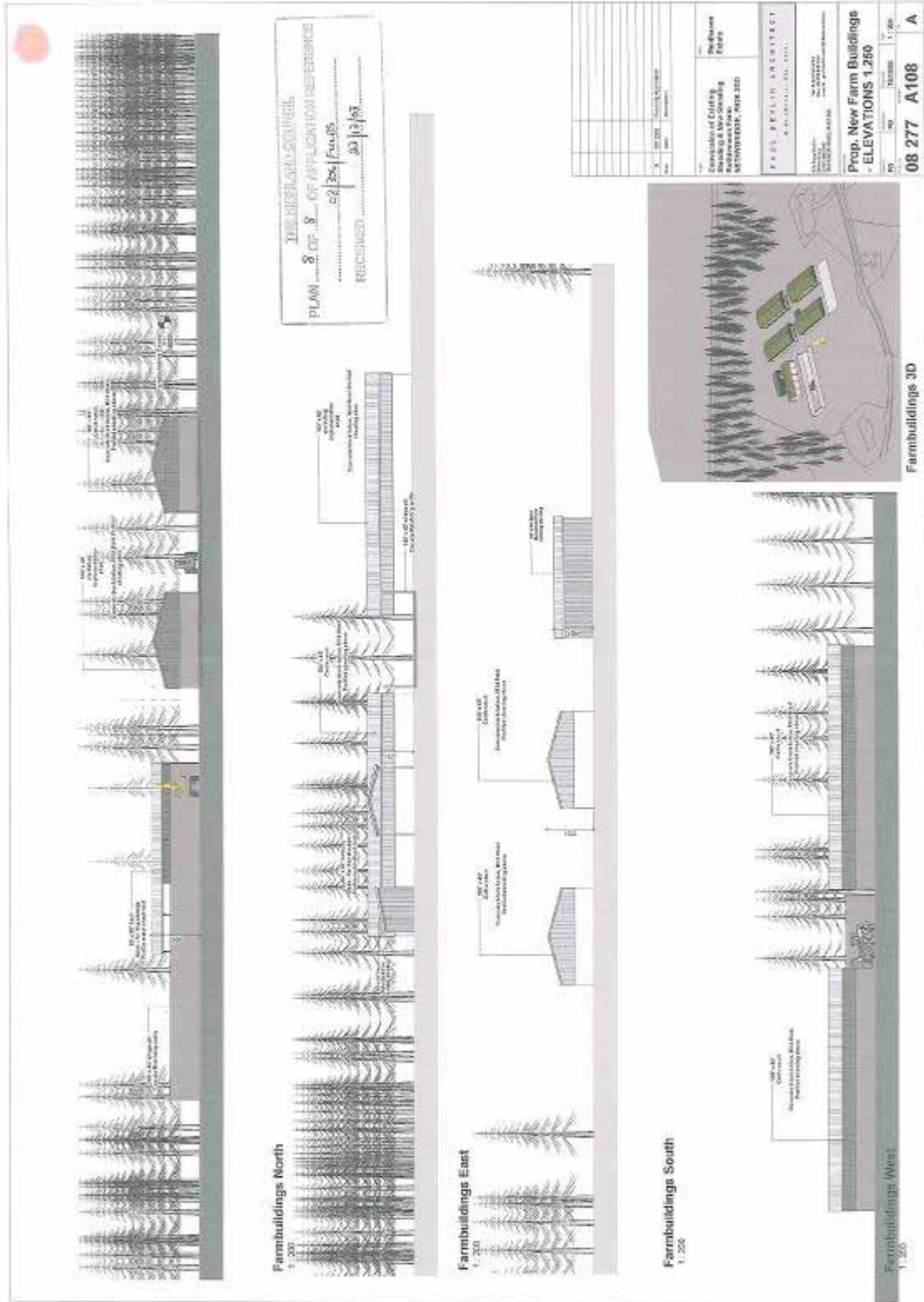


Fig.13- Elevations of Proposed Farm Buildings







ground. To the north there is a track which serves the site and a single occupied cottage (Dornoch Cottage) and also leads to a former tip area. Some concern had been expressed to the applicant regarding the access to the farm complex being very near to Dornoch Cottage. Letters raising this concern has been sent by the owners and occupiers of the cottage. As a result of this concern an access is to be formed to the site around the rear of the farmer's house called Bein Eiglas Mhor directly onto the site.

4. The proposed agricultural buildings include 4 buildings in block and corrugated steel measuring 30 by 12 metres with a ridge height of 5.79 metres. Three of these buildings will be cattle courts with the fourth being a workshop/implement shed. A 23 metre by 9 metre barn would be provided and a smaller shed would be relocated from the existing steading site. A silage pit would also be provided (fig. 15).

## DEVELOPMENT PLAN CONTEXT

### National Guidance

5. **Scottish Planning Policy (SPP)** With regard to Development Management SPP emphasises that development management is a key part of the planning system and should operate in support of the Scottish Government's central purpose of increasing sustainable economic growth. Under paragraph 92 Rural Development the SPP notes that the planning system has a significant role in supporting sustainable economic growth in rural areas. The guidance goes on to point out that development plans should support diversification, including development linked to tourism and farm diversification, while ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced. Development which provides employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Planning Authorities should also support and promote opportunities for environmental enhancement. Para 90 considers that Planning Authorities should support opportunities to replace run down housing and steadings along with conversion and rehabilitation of buildings. Modernisation and steading conversions should not be constrained within the existing footprint or height limit unless there are compelling design or conservation reasons for doing so. Under Trees and Woodland para 146 considers that ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced. Paragraph 138 sets out the designation of National Parks, their aims and that where conflict between the objectives cannot be resolved the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence.

## Highland Structure Plan 2001

6. **Policy H3** of the Structure Plan states that housing will generally be within existing and planned new settlements. New housing outwith settlements will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes. The policy accepts the conversion of traditional buildings in the countryside. **Policy H8 Access Arrangements for New and Existing Development** considers that proposals which involve new or improved access to serve more than 4 houses and/or to serve a development which would generate vehicular traffic equivalent to more than 4 houses shall be served by a road constructed to adoptive standards. The adopted road should normally serve all of the new development and any existing development. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character. **Policy G2 Design for Sustainability** lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources) and impacts on resources such as habitats, species, landscape, cultural heritage and scenery.

## Badenoch and Strathspey Local Plan 1997

7. The site is shown on the settlement inset plan for Nethybridge. Rothiemoon steading is shown as white land but surrounded by green areas that are indicated as Forestry/Restraint. The site for the new farm buildings is located in this Forestry/Restraint area. Policy 5.5 covers this area and considers that land adjoining Nethybridge which is important to the Community's setting, nature conservation or the rural economy and not allocated for specific purposes and will be safeguarded from sporadic development. This includes Abernethy Forest SSSI and Dell Wood NNR, commercial and other woodland, together with farm and croft land.
8. The Landward section of the plan includes 'Principles' and the main planning considerations for the Landward area are (amongst others) to
- protect the areas' exceptional scenic, nature conservation, wildlife and landscape resources;
  - safeguard crofting and farming activities and encourage diversification compatible with maintaining traditional ways of life;
  - tighter controls on housing in the countryside in the interests of the environment
  - identify areas at risk from flooding.

9. **Under 2.2.1(b) Agricultural Diversification** the conversion of redundant buildings for small scale business and residential purposes will be supported, subject to adequate access and compatibility with neighbouring uses and amenity.
10. **Under Settlement Edges 2.5.15** considers that in order to protect the identity and setting of villages and to promote the orderly development of allocated land and supporting infrastructure, areas adjoining existing settlements will be protected from sporadic developments. This does not include development activities for which there is an operational requirement associated with the working of land for agricultural or crofting purposes or related diversification.

### Cairngorms National Park Plan 2007

11. The Park Plan highlights the special qualities of the Cairngorms, stating that the "Cairngorms is widely recognised and valued as an outstanding environment which people enjoy in many different ways." It recognises that there is a wide diversity of landscape, land-uses, management and community priorities across different parts of the Park. In a section entitled 'Living and Working in the Park' the subject of 'housing' is explored. The Strategic Objectives in relation to housing refer to the need to ensure greater access to affordable and good quality housing in order to help create and maintain sustainable communities. A further strategic objective is to improve the quality, energy efficiency and sustainable design of housing in all tenures throughout the Park. It is expected that housing developments would be consistent with or enhance the special qualities of the Park through careful siting and design.
12. In terms of 'Conserving and Enhancing the Natural and Cultural Heritage' the National Park Plan includes a number of objectives in relation to Landscape, Built and Historic Environments. Strategic Objectives include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Of particular relevance to the current proposal are the strategic objectives relating to the built environment, which require that "new development in settlements and surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment" and to "understand and conserve the archaeological record, historic landscapes and historic built environment."
13. Strategic Objectives for Conserving and Enhancing under Land Management includes objective b) which seeks a productive and viable agricultural sector. A productive and viable agricultural sector underpins many of the public benefits that land management delivers, particularly some farmland habitats. As well as support for public benefits, it is important for long term sustainability that agricultural businesses throughout the Park are producing a range of marketable goods and contributing to the economy and employment of the area.



## CONSULTATIONS

14. **Scottish Natural Heritage (SNH)** notes that the development lies adjacent to but outwith the River Spey Special Area of Conservation (SAC). SNH considers that the development will not involve significant impacts on the river Spey SAC.
15. **Scottish Environmental Protection Agency (SEPA)** initially objected with regard to foul drainage. The information contained within the application indicated that foul drainage will be treated by a communal wastewater treatment system. But due to lack of information about the foul drainage proposals SEPA object to the application. With regard to surface water drainage SEPA notes that no details have been provided. However, it is a requirement that sites are drained by sustainable urban drainage systems. The developer subsequently confirmed that foul drainage will be to the public mains on the B970 **removing SEPA's objection on foul drainage.**
16. With regard to waste SEPA point out the requirement to ensure that there is a waste management system in new developments in keeping with the National Waste Strategy and Area Waste Plan. Such provision should be in line with the Council's targets to address recycling, composting, recovery and disposal targets.
17. SEPA has been consulted with regard to potential flooding and raise no objection.
18. Again with the agricultural buildings surface water run-off shall be drained to a sustainable urban drainage system. All water and clean surface water from the proposed buildings should be kept separate from the slurry collection system.
19. As water abstractions require authorisation from SEPA the applicant may wish to consider harvesting the surface water run-off, particularly roof water.
20. If slurry is to be produced due to the housing of animals then SEPA would not object to this provided it is ensured that the location and design permitted by planning is compatible with the Control of Pollution (Silage, slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (as amended). It should be ensured that: a) no part of slurry tank, or any effluent tank, channels, pipes or reception pit shall be situated within 10 metres of any inland or coastal waters; b) The base of the slurry storage tank, the base and walls of any effluent tank. Channels and reception pit and the walls of any pipes shall be impermeable; c) The capacity of the new structure, together with any existing storage capacity, should provide at least 6 months storage, unless otherwise agreed with SEPA.
21. SEPA has set out a range of information that is required with regard to population foul drainage discharge. However, this is no longer relevant as the applicant's have confirmed that the drainage will now be to the public system.
22. **Highland Council Scientific Officers (contaminated land)** have sent a form to be filled in by the applicant to investigate potential land contamination

issues at the site. This form has been filled in and sent to the Council. Highland Council Scientific Officers recommend a planning condition that prior to commencement of development a scheme be submitted by the developer to deal with contamination issues at the site.

23. **Highland Council Area Roads Manager** has responded and point out that the track serving the site already serves considerably more than 4 dwellings. It is therefore recommended that the following conditions are attached to any consent granted. Prior to work starting in connection with the proposed development the works listed shall be completed and approved by the planning authority in consultation with the roads authority.
- Existing track to be upgraded to adoptable standard from the public road to the application site.
  - Suitable pedestrian link to be provided between the site and the village centre.
  - Visibility splays to be provided and maintained on each side of the proposed access bounded by the first 3 metres at the centreline of the road by 90 metres, or as so far as the road geometry allows on each side of the intersection of the access road.
  - Parking and manoeuvring space for at least 2 No cars shall be provided within or close by the curtilage of each residential property so that vehicles may enter and leave the plot independently.
  - All properties within the application site to be free from the effects of a 1 in 200 year flood event.
24. **Highland Council Archaeology** notes that the application will affect a building that is depicted on the first edition Ordnance survey map of c.1870, and is considered to be of historic interest. The buildings, associated structures or their setting must not be significantly altered without a visual record first being made. A photographic survey is recommended by planning condition.
25. **CNPA Heritage and Land Management (Ecology)** note that a bat and barn owl survey was undertaken, no bat roosts were recorded and no evidence of barn owls was found. The Ecologist recommends that if works do not begin within 12 months a new bat survey should be undertaken. Birds may use the buildings, particularly swallows, therefore works to the roof should not begin during the breeding bird period (March to August). The Ecologist also recommends that facilities for bats and birds such as swifts should be incorporated into the new buildings.
26. **CNPA Heritage and Land Management (Landscape)** comments that the sites occupy an area of distinctive landscape, of farmed open strath contained within a woodland edge. However, the quality of the landscape is compromised by the current use. With regard to the steadings the scale, siting design and finish are appropriate to the setting. The key landscape issues are associated with the proposed restoration and management of areas currently affected by farm operations, storage and related activities. A landscape plan for the whole site should be requested for the site including for adjacent areas and the pond.

The proposed farm buildings are more suited to modern agriculture being larger in scale and more uniform than is characteristically found in the landscape. The main issues are associated with the scale and uniformity. In terms of mitigation the use of vertical timber boarding on the cattle shed walls instead of profiled sheeting would help reduce the apparent scale particularly as the pine trees behind the site are of significant stature. The planting of additional trees will give similar future benefits. In conclusion, the steading development represents an opportunity to enhance the landscape quality of the immediate area, whereas the new farm buildings create a risk of additional landscape impact. Conditions to cover the issues outlined are recommended to make the most of the opportunity and minimise the risk.

27. **Nethybridge and Vicinity Community Council** comment that those present at the Community Council meeting had no objections to the development but concerns were raised that the present track would be used by considerably more vehicles. The Community Council would like the track to be upgraded and widened to accommodate the increased traffic.

## REPRESENTATIONS

28. A total of 3 individual representations have been received. Two are from the owners and tenants of Dornoch Cottage, approx 50 metres to the north of the agricultural buildings site. A range of concerns were raised regarding the proximity of the agricultural buildings to the cottage, drainage concerns, noise concerns, smells, that a contracting business is being run from the site, and in particular the access for the buildings being via the same track used for access to the cottage. Subsequently, revised plans had been submitted to allow for a separate access around the farmers house so that the site is accessed away from the neighbouring cottage. The representees were re-notified of this change and have made no further representation.
29. One additional letter from a property that shares the first part of the access track notes that the addition of 6 dwellings would be a substantial breach of Highland Council's current policy in relation to the track which already exceeds the recommended levels for development. Should the proposals happen then the writer would not agree to any adoption by the Council that would result in any maintenance charges. A letter from the agent responds to points made by objectors and consultees. The letters are attached at the back of the report.



## APPRAISAL

30. There are a wide range of issues to be considered with the proposal. The conversion of the traditional courtyard steading requires the removal of the farm buildings and relocation of the farm business. However, this is regarded by the tenant of the farm business as a prerequisite for the continuation of the agricultural business as increasing difficulty is being found in operating a modern farm business from the steading buildings. The report will first consider the conversion proposal in principle and detail and then consider the new site for the agricultural buildings.
31. In principle, policy is supportive of the re-use of old steading buildings at both national and local level. This support is emphasised where buildings are relatively near to settlements and services which is the case with this application as the site is located near to the settlement edge and within 10-15 minute walk of the village shop/post office using the existing tracks. Consequently, the proposal to convert the steadings complies in principle with national and local plan policy where at 2.2.1 (b) support is expressed for the conversion of such buildings to residential and/or small business uses subject to more detailed concerns about access and neighbouring amenity. In a very positive sense the conversion of the steadings will necessitate the removal of the modern additions and prompt a general tidy up of the site which is to be welcomed and will contribute to conserving and enhancing the local landscape.
32. The conversion of the steadings to six units is relatively intensive. However, the steading complex is large and capable of absorbing the number of units proposed without extension to the footprint. In addition, the relative proximity of services at Nethy Bridge mitigates against overreliance on the private car for all services required from the steadings.
33. In design terms the proposals will conserve and enhance the traditional structure while providing a new use to secure their longer term future. Existing corrugated roofs which may include asbestos will be removed and replaced with slate roofing. The stonework on the elevations will be cleaned and restored. One of the units has a shallow pitched roof and this will be replaced with a steeper 45 degree pitched roof in slate. The CNPA Landscape Officer considers that the proposal represents a good opportunity to enhance the landscape of the area providing a landscaping plan for the whole site can be requested by condition.
34. The acceptance of the steading conversion requires the re-location of the farm business. A new location is proposed immediately west of the farmhouse/farm office. This led to concerns from a neighbour at Dornoch Cottage (see figs 9 & 14) which is located approximately 50 metres to the north of the proposed agricultural buildings. The key concern related to increased traffic using the same access as that for the cottage. Because of these concerns a new access track immediately to the south of the farmhouse/office has been negotiated. The neighbours at Dornoch Cottage have made no further comments with regard to this however, the objection still stands. The new farm buildings are nearer to

Dornoch Cottage than the existing location. However, the new access will be likely to remove farm traffic going past the cottage by comparison with current situation, acting as a bypass between the main farm access and fields to the west. In addition, the area immediately to the south of the cottage is used for cattle grazing including a feed area, so there is already a level of disturbance from farm activities. The new access separates activity at the new farm buildings away from Dornoch Cottage. A planning condition is also recommended to ensure a significant wedge of tree planting between the farm buildings and the cottage. This will remove farming activity adjacent to Dornoch Cottage. The site for the new farm buildings is generally well screened by woodland to the south and sporadic woodland and buildings to the north. The proposed buildings are of a standard agricultural nature. The CNPA Landscape Officers considers that to break up the scale of these buildings tree planting should be carried out and timber used for the walls of the buildings. Accordingly planning conditions are recommended to cover these issues. Because of the importance of separating Dornoch Cottage from the development the landscaping condition is worded so that planting between Dornoch Cottage and the agricultural buildings takes place before the construction of the new buildings. This will help to protect the amenity of the cottage.

### Technical Issues

35. In terms of foul drainage SEPA initially objected to the application as a private system was proposed. As a result of this the applicants have confirmed that drainage will be to the public system with services along the access track which would require to be upgraded in any case. On this basis SEPA has withdrawn their objection.
36. SEPA has provided a range of advice in relation to the farm buildings and this has been passed to the applicant. The applicant has confirmed that a tank will be installed for rainwater harvesting from roof surface water run-off.
37. SEPA were consulted on flood risk and raised no objection.
38. Area Roads Manager requirements are set down in the consultation section of the report. The key request is that the access track be upgraded to adoptable standard as the track already serves in excess of 4 houses. Policy H8 requires that roads serving more than 4 houses shall be constructed to adoptable standards. The applicant's are willing to carry out this work which will be a positive benefit to all properties serviced by the access. One user expresses a concern about charges for the access. However, this is a matter between the landowners and those that have access rights along the track. The decision here relates to whether it is good planning practice to improve the access. Given the number of properties served and the levels of traffic noted on site visits an improved access to adoptable standards is, in this case, a prerequisite of granting permission and can be sought by planning condition given that the access track is on land owned by the Estate.

39. The Area Roads Manager has also recommended improved visibility splays at the junction of the access track with the B970. Land to the north east of the site is outside of the control of the applicant. Land to the north east is part of Duack Lodge where trees are the subject of a Tree Preservation Order. (Site of undetermined application Ref No 07/408/CP). After looking at this issue on site there is no need for the removal of trees within the Duack Lodge application site. However, some branches currently lying on the ground would need to be moved. This would increase visibility to the extent allowed by the geometry of the road in accordance with the Area Road Manager requirements. The agent for the scheme has provided a visibility splay plan which indicates the visibility in the Nethybridge direction being 75 metres and that towards Boat of Garten 110 metres. The Area Roads Manager has been consulted upon the splays and considers them to be reasonable.

## **IMPLICATIONS FOR THE AIMS OF THE PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

40. The proposal offers a range of positive benefits with regard to this aim. The conversion of the steadings will conserve the cultural heritage of those buildings by ensuring their continued use as well as the removal of a range of modern buildings and farm machinery from their setting. In addition, the modern farm complex is sited well away from watercourses, unlike the existing situation and will enable better management of farm waste. The steadings are currently obscured by modern additions and the removal of these additions would be of positive benefit in landscape terms.
41. A bat and barn owl survey has been carried out but no evidence found of either species at the site. Opportunities to enhance the wildlife contribution of the buildings will be sought by planning condition. A small number of trees and shrubs would be removed to accommodate the farm buildings but these can be more than compensated for by a significant wedge of landscaping to be required between Dornoch Cottage and the new farm buildings.

### **Promote Sustainable Use of Natural Resources**

42. The conversion of existing buildings is generally more sustainable than new build. The modern farm complex will enable better management and control of the area with potential for agricultural run-off being better controlled in a modern farm environment that includes rainwater harvesting



## Promote Understanding and Enjoyment

43. The proposal has little direct relevance to this aim.

## Promote Sustainable Economic and Social Development

44. The proposal offers significant benefits with regard to this aim. The steadings will be converted to a new economic use providing employment for local building companies. The new farm complex will enable the continued running of the farm business from Rothiemoon.

## Conclusion

45. Overall, this is viewed as a positive proposal that contributes to the achievement of the aims of the Park and accords with Local Plan policy, National Park Plan policy and will result in a range of benefits. These benefits include the re-use of traditional buildings and enhancement of the landscape, the relocation of the farm complex to enable the continuance of farming activity at the site, with the added benefit of the farm being moved further away from existing watercourses. The proposal will also enable improvements to the farm access track. Consequently, subject to conditions the recommendation is one of approval as set out below.

## RECOMMENDATION

It is recommended that members of the Planning Committee **GRANT** Full Planning Permission for the conversion of steadings to form 6 houses and the erection of 5 agricultural buildings and relocation of one shed at Rothiemoon Farm, Nethybridge, subject to the following conditions:

1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. Prior to any work commencing on site, a detailed and scaled plan showing the full extent of the adoptable road required to service the converted dwellings from the existing public road, shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. Such details shall include positive drainage measures satisfying SUDS requirements, improved geometry, appropriate road construction and provision of a suitable turning head. Proposals shall include an assessment of the existing bridge over the railway

cutting and a pedestrian link to the village. These details shall be provided to an adoptable standard and operational prior to the occupation of any of the 6 residential units hereby approved.

**Reason:** In the interests of pedestrian and vehicle traffic to the site from the existing public road.

3. Parking and manoeuvring space for at least 2 cars shall be provided within or close by the curtilage of each residential property such that all vehicles may enter and leave each plot independently.

**Reason:** To ensure that vehicles may enter and leave the site safely at all times.

4. Prior to the occupation of any of the six steadings hereby approved a scheme for the addition of wildlife (e.g. bats, swifts) nesting features shall be submitted to and approved by the CNPA. Any agreed measures shall be in place prior to the first occupation of the steadings.

**Reason:** To accord with the first aim of the National Park to conserve and enhance the natural heritage of the area.

5. Prior to the occupation of any of the six steadings hereby approved the applicant shall confirm in writing to the CNPA acting as Planning Authority that the overall development has a suitable connection to the public sewerage system.

**Reason:** To ensure proper drainage provision from the site.

6. Prior to the commencement of the development hereby approved a scaled plan showing the location of the slurry storage tank shall be submitted to and approved in writing by the CNPA acting as Planning Authority. The base of the slurry storage tank, or any effluent tank, channels and reception pit and the walls of any pipes shall be impermeable. The tank shall be installed in accordance with the agreed plan prior to the agricultural buildings being brought into use.

**Reason:** In the interests of preventing potential for pollution.

7. Prior to any of the steadings first being occupied samples of external finishing materials for wall and roof finishes, windows and doors shall be submitted to and approved in writing by the CNPA acting as Planning Authority and thereafter incorporated into the design and conversion of the steadings.

**Reason:** To ensure an appropriate finish for the steadings.

8. Prior to any of the agricultural buildings first being brought into use samples of external finishing materials for the walls, roof and doors of all agricultural buildings shall be submitted to and approved in writing by the CNPA acting as Planning Authority. Notwithstanding the details contained within the

application the upper wall sections of the agricultural buildings shall be clad in vertical timber.

**Reason:** To ensure an appropriate finish for the agricultural buildings.

9. The development and surrounding landscape shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, the proposals shall also include details of treatments for the steading courtyard and garden areas including means of enclosure and shall ensure:-

- (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting as Planning Authority. This with the exception that a wedge of land between Dornoch Cottage and the agricultural buildings shall be fenced off and landscaped in accordance with this scheme PRIOR to the commencement of any other works on the site for the agricultural buildings.
- (b) The maintenance of the landscaped areas for the lifetime of the development in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

10. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no dwelling extension shall be formed, and no greenhouse, shed or garage erected without the prior written consent of the CNPA acting as Planning Authority.

**Reason:** In order to give separate consideration to these matters in respect of the design and the space standards of the dwellings, in the interests of the amenity of the area and the character of the development.

11. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the steading site without the prior written consent of the CNPA acting as Planning Authority.

**Reason:** In order to give separate consideration to this matter and to protect the amenity of the area/adjacent properties.

12. Full details (dimensions/materials/drainage) of the new track to connect the existing track at Bein Eiglas Mhor Farmhouse to the site of the agricultural buildings shall be submitted to and approved in writing by the CNPA prior to the commencement of the development of the new farm buildings hereby approved. The track shall be completed prior to the commencement of any works (including groundworks) to erect the new agricultural buildings.

**Reason:** In order to ensure adequate access to the farm building site and to protect the amenity of Dornoch Cottage.

13. Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and/or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the CNPA acting as Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the CNPA acting as Planning Authority that the record made has been lodged satisfactorily.

**Reason:** To protect the historic interest of the site

14. Prior to any development commencing on site, a scheme shall be submitted by the developer (at his/her expense) to deal with potential contamination on site. No construction work shall commence until such scheme has been submitted to the CNPA acting as Planning Authority in consultation with Highland Council Scientific Officers, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to deal with potential contamination and must include:-

- (a) The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (ie Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in ADVANCE with the CNPA in consultation with Highland Council Scientific Officers, and undertaken in accordance with PAN 33 (2000) and BS10175:2001.
- (b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan).
- (c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the CNPA in consultation with Highland Council.
- (d) Submission, if necessary, of monitoring statements at periods to be agreed with the CNPA in consultation with Highland Council for such time period as is considered appropriate by the CNPA in consultation with Highland Council.

Written confirmation from the CNPA in consultation with Highland Council that the scheme has been implemented. Completed and if appropriate,



monitoring measurements are satisfactorily in place, shall be required of the developer before any development hereby approved commences unless otherwise agreed by the CNPA.

**Reason:** To ensure that the site is free from contamination

15. Prior to the commencement of the development hereby approved a plan setting out measures for the removal, destination and storage of machinery/auto parts etc.. including a designated area for outside storage shall be submitted to and agreed by the CNPA in writing. The agreed measures shall be complete prior to the first occupation of the steadings hereby approved.

**Reason:** To ensure that the site is in a tidy state, to protect the amenity of future occupiers of the steadings and to accord with the first aim of the Park to conserve and enhance the natural and cultural heritage of the area.

16. No development pursuant to this planning permission shall take place until a plan indicating all the details of:-

- (a) any provision for waste/surface water disposal;
- (b) all ground and floor levels of the proposed agricultural buildings together with the existing site levels;

has been submitted to and approved in writing by the CNPA acting as Planning Authority. The development shall be carried out in accordance with the approved plan.

**Reason:** To ensure the site can be adequately drained in the interests of public health and to prevent pollution.

17. No roof works on the existing buildings shall be carried out during the breeding bird period (March to August) unless otherwise agreed by the CNPA.

**Reason:** In the interests of conserving and enhancing the natural heritage of this part of the Cairngorms National Park.

## ADVICE NOTES

1. **With regard to any road upgrading works/bridge replacement required by condition No 2 it is recommended that contact is made with Highland Council Area Roads Manager prior to any works starting at the site. You are advised that any replacement bridge over the old railway cutting may need to be the subject of a separate planning application.**

2. With regard to disposal of any asbestos you are advised to contact Highland Council Environmental Health Team prior to any works taking place.
3. You are advised of your responsibilities to protect wildlife at the site in accordance with the requirements of the 1981 Wildlife and Countryside Act. You are advised that if works do not commence within 12 months of this decision notice a new bat survey should be carried out.

**Andrew Tait**  
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**23 March 2010**

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